

USSN: 10/809,176
Attorney Docket: I-2003.002 US
Response to Non-Compliant Amendment of December 1, 2006

REMARKS

Claims 1-19 have been amended in order to adopt conventional United States claim language and to place them in proper form for consideration, such as using Markush wording. The present amendments have not been made for purposes of patentability.

In the office action of August 15, 2006, the examiner objected to claims 5-12 and 16-19 for being of improper form. It is believed that these objections have been overcome with the present amendments.

In the office action of August 15, 2006, the examiner required restriction between the claims directed to the IBDV mutant (claims 1-4) and the claims drawn to a method for preparing the mutant (claims 13-15).

For purposes of examination, applicants elect the claims in Group I (claims 1-4) directed to the mutant, with traverse. It is believed that claims 5-10, as amended, are properly included in Group I and are, therefore, also elected.

The Examiner has required election of species among the substitution of amino acids in claim 3 and claim 4, and among the amino acid sequences in SEQ ID. Nos. 1-5.

Applicants elect for examination the species in which serine is at coding position 222, serine is at coding position 330 and the nucleotide sequence at position 318-323 encodes amino acid sequence SEQ ID. No. 1.

The examiner's requirement of an election of species is hereby traversed. Applicants respectfully point out that all of the species meet the definition of the claimed mutant set forth in claim 1 and are, therefore, different embodiments of the same invention. Furthermore, examining all of the species recited is not unduly burdensome as there are only two substitutions possible at each of positions 222 and 330, and five alternative sequences encompassing position 318-323. Claims 1-6 read on the elected species.

Applicants request that, as a result of the restriction between the product and process claims.

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and the election of the product claims for examination, the withdrawn process claims be rejoined pursuant to MPEP §821.04 on allowance of the product claims.

In view of the above it is believed that elected claims 1-4 and claims 5-10 further directed to the mutant and vaccines comprising it meet the election requirement and are in condition for allowance. Favorable action is solicited.

Should the examiner consider that conference would be helpful in advancing the prosecution of this application, he is invited to telephone applicants' attorney at the number below.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

Respectfully submitted,



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USSN: 10/809,176
Application of: van Loon, et al.
Confirmation No: 6825
For: An Infectious Bursal Disease Virus (IBDV) Mutant
Expressing Virus Neutralizing Epitopes Specific For
Classical and Variant IBDV Strain

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